



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,114	03/06/2001	Heinrich Lang	LMX-129	2747

22827 7590 02/13/2003

DORITY & MANNING, P.A.  
POST OFFICE BOX 1449  
GREENVILLE, SC 29602-1449

EXAMINER
----------

SHAFFER, RICKY D

ART UNIT	PAPER NUMBER
----------	--------------

2872

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

0900,114

Applicant(s)

LANG ET AL

Examiner

R.D. SHAFER

Group Art Unit

2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 11/26/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 10-34 is/are pending in the application.
- Of the above claim(s) 13, 23-27 AND 29-34 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 10-12, 14-22 AND 28 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☒ The proposed drawing correction, filed on 5/24/01 & 7/3/02 is ☒ approved ☐ disapproved by the examiner.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2872

1. Applicant's election without traverse of Species "A", depicted by Fig. 1, in Paper No. 10 and Group I (claims 10-12, 15-22 and 28) in Paper No. 12 is acknowledged.
2. Claims 13, 23-27 and 29-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10 and 12.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 15 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al ('871).

Ohta et al discloses a rearview mirror assembly comprising a holding component (40), a first clamping part (42), a second clamping part (41), a mirror element (2) and means (46) for securing the first and second clamping parts against rotational displacement relative to the holding component. Note Fig. 5 and the associated description thereof.

5. Claims 10-12, 14, 15 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Stout ('157).

Stout discloses a rearview mirror assembly comprising a housing (H) including a framing element (F), defining a first recess (50), a clamping part (52,54), defining a second recess, and a

Art Unit: 2872

mirror element (26) or alternatively a holding component (48), a first clamping part (28), a second clamping part (52, 54), a mirror element (26) and at least one connection element or means (56,58) for securing the first and second clamping parts against rotational displacement relative to the holding component. Note figures 1-4 and the associated description thereof.

6. Claims 10-12, 14, 15 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al ('703).

Lang et al discloses a rearview mirror assembly comprising a housing (48) including a framing element (43'), defining a first recess (FR), a clamping part (44'), defining a second recess (SR), and a mirror element (7) or alternatively a holding component (H), a first clamping part (43'), a second clamping part (44'), a mirror element (7) and means (45') for securing the first and second clamping parts against rotational displacement relative to the holding component. Note figures 5-8 and the associated description thereof.

7. Claims 10-12, 14, 15 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Nierhaus et al ('701).

Nierhaus et al discloses a rearview mirror assembly comprising a housing (14) including a framing element (34), a holding tube (76), a clamping part (68), defining a second recess (70), and a mirror element (35) or alternatively a holding component (12), a first clamping part (34), a second clamping part (68), a mirror element (35) and at least one connection element or means (72, 74) for securing the first and second clamping parts against rotational displacement relative to the holding component. Note figures 1-4 and the associated description thereof.

Art Unit: 2872

8. Claims 10-12, 14, 15, 16, 19-21 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Eifert ('178).

Eifert discloses a rearview mirror assembly comprising a housing (10) including a framing element (12), defining a first recess (50), a holding tube (4), a clamping part (44), defining a second recess (SR), and a mirror element (26) or alternatively a holding component (4), a first clamping part (12, 42, 50), a second clamping part (44), at least one connection part (CP), a mirror element (26) and at least one connection element or means (46, 48) for securing the first and second clamping parts against rotational displacement relative to the holding component.

Note figures 2 and 4 along with the associated description thereof.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16, 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stout ('157) or Lang et al ('703).

Stout and Lang et al each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the first clamping part is made of plastic.

It is well known to use plastic mirror housings in the same field of endeavor for the purpose of reducing manufacturing costs and weight of a mirror housing.

Art Unit: 2872

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the first clamping part, which serves as a mirror housing, of Stout or Lang et al to include a plastic material, as is commonly used and employed in the mirror art, in order to reduce manufacturing costs or weight of the mirror assembly.

As to the limitations of claim 17, it is well known to use the materials recited by applicant in the same field of endeavor for the purpose of reducing manufacturing costs and weight of a mirror assembly or effectively increasing the strength of element.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the second clamping part, which serves as a bracket element, of Stout or Lang et al to include any one of the materials recited by applicant, as is commonly used and employed in the mirror art, in order to provide a trade off between reducing manufacturing costs and weight of a mirror assembly verses increasing the strength of bracket element.

As to the limitations of claim 19, it is well known to use various fastening means such as screw, bolts or rivets with or without locking washers in the same field of endeavor for the purpose of securing one component to another component.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the screws of Stout or Lang et al to include

Art Unit: 2872

rivets or locking washers, which would serve as the connection part, as is commonly used and employed in the mirror art, in order to prevent the screws from becoming loose due to vibrations.

11. Claims 16, 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierhaus et al ('701).

Nierhaus et al discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the first clamping part is made of plastic.

It is well known to use plastic mirror clamps in the same field of endeavor for the purpose of reducing manufacturing costs and weight of a mirror assembly.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the first clamping part of Nierhaus et al to include a plastic material, as is commonly used and employed in the mirror art, in order to reduce manufacturing costs or weight of the mirror assembly.

As to the limitations of claim 17, it is well known to use the materials recited by applicant in the same field of endeavor for the purpose of reducing manufacturing costs and weight of a mirror assembly or effectively increasing the strength of element.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the second clamping part, which serves as a bracket element, of Nierhaus et al to include any one of the materials recited by applicant, as is commonly used and employed in the mirror art, in order to provide a trade off between reducing

Art Unit: 2872

manufacturing costs and weight of a mirror assembly verses increasing the strength of bracket element.

As to the limitations of claim 19, it is well known to use various fastening means such as screw, bolts or rivets with or without locking washers in the same field of endeavor for the purpose of securing one component to another component.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the screws of Nierhaus et al to include rivets or locking washers, which would serve as the connection part, as is commonly used and employed in the mirror art, in order to prevent the screws from becoming loose due to vibrations.

12. Claims 17 and 18 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Eifert ('178).

Eifert discloses all of the subject matter claimed, note the above explanation, except for explicitly stating the material employed for the second clamping part.

It is well known to use the materials recited by applicant in the same field of endeavor for the purpose of reducing manufacturing costs and weight of a mirror assembly or effectively increasing the strength of element.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the second clamping part, which serves as a bracket element, of Eifert to include any one of the materials recited by applicant, as is commonly used and employed in the mirror art, in order to provide a trade off between reducing



Art Unit: 2872

manufacturing costs and weight of a mirror assembly verses increasing the strength of bracket element.

As to the limitations of claim 18, it is well known to use a snap connection in the same field of endeavor for the purpose of simplify the securement of one component to another component.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the housing framing and bracket element of Eifert to include a snap connection, as is commonly used and employed in the mirror art, in order to simplify mounting.

13. The substitute specification filed on 5/24/01 has been entered. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the connection part recited in claim 19.

14. The information disclosure statement filed 5/21/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because applicant failed to provide a copy of the references. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the

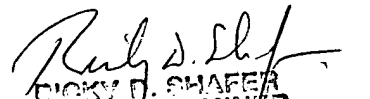
Art Unit: 2872

requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

15. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

February 5, 2003

  
RICKY D. SHAFER  
PATENT UNIT 2872